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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,670	03/21/2001	Sharon Marie Lee	041-512-L	3627

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EXAMINER

SHAAWAT, MUSSA

ART UNIT	PAPER NUMBER
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2128

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/813,670

Applicant(s)

LEE ET AL.

Examiner

Mussa A. Shaawat

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the amendment filed November 15, 2004. Claims 1-11 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112 first paragraph.

As per claim 1, claims 1 recites "(a) Calculating a basic solution for establishing the appropriate number of servers and types of associated support apparatus, for each site and for each Server Farm" which is a single step method.

MPEP 2164.08(a) recites:

"A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim, which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to Hyatt is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor."

Dependent claims 2-10 inherit the same deficiencies.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kabekode V. Bhat US Patent No. (5,668,995) referred to hereinafter as Bhat.

4. As to claim 1, Bhat teaches a method utilizable by a thin client sizing tool, for generating a proposed configuration of servers and associated support apparatus established at one or more sites, which will satisfy the requirement of a given customer's profile, in regard to establishing a number of servers for each server farm which would be the most appropriate number of servers satisfying a given customer's profile (see col.1 lines 55-61, the capacity planning system configures a multiprocessors i.e. servers, according to the sizing requirements of the customer), comprising the steps of:

(a) Calculating a basic solution for establishing the appropriate number of servers and types of associated support apparatus, for each site and for each Server Farm, (see col.3 lines 25-30, the mathematical model calculates and recommends the number of processors i.e. number of servers for the customer).

5. As to claim 2, Bhat teaches a method of claim 1 wherein the customer profile establishes the required amount of disk capacity which will be required for each user-type in using each particular application program (see col.1 lines 64-67, the capacity planning system the number of disk drives, and the size of each of the disk drives that should be used by the customer for the best performance), and wherein step (a) of calculating includes the steps of:

(a1) retrieving from said customer profile specific features and capabilities for each Server Farm at each site, (see col.3 lines 6-15, the capacity planning system accepts sizing requirements inputs from the user).

(a2) retrieving from said customer profile each User-type involved in each server Farm, (see col.3 lines 5-8).

(a3) retrieving from said customer profile each application program name used by each User-type in each Server Farm, (see col.3 lines 1-15, the customer's application requirements are accepted by the capacity planning system, including the sizing requirements of user).

(a4) retrieving from said customer profile the required amount of disk capacity for each User-type using each application program, (see col.1 lines 64-67, the capacity planning system configures the required amount of disk capacity).

6. As to claim 3, Bhat teaches a method of claim 2 wherein the customer profile provides information on the disk capacity requirement for each single server farm (see col.1 lines 64-67, the capacity planning system configures the required amount of disk capacity), and wherein step (a4) further includes the steps of:

(a5) calculating the disk capacity requirement for a single Server Farm, (see col.3 lines 30-32, the number of disk drives and the size of each disk drives is calculated by the mathematical model for the customer).

(a6) inserting the disk capacity requirement information onto a Disk capacity Report, (see col. 5 line 62-col.6 line 2).

7. As to claim 4, Bhat teaches a method of claim 2 wherein the profile provides an actual user weight including user-usage as being light, medium, heavy or super-heavy (see col.6 lines 10-17, the response time of the user depends on the number of users), and wherein step (a4) includes the steps of:

(a4a) filling out a Customer Data Report,(see col.4 lines 17-19, where the user reports the sizing requirements).

(a4b) calculating the actual User- Weight for each User-type operating with each application program, (see col.4 lines 42-46, the number users is calculated based on the input and output data sizes).

8. As to claim 5, Bhat teaches a method of claim 4 wherein a server information database provides information as to the normal total number of users that will be supported by a server farm and the number is designated to adjust the total number of users (see col.2 lines 42-43, a database is used under the control of the operating system), and wherein step (a4b) includes the steps of:

(a4b1) accessing the Server information database for Server data, (see col.2 lines 42-43, the information stored in the database which includes the sizing requirements of the customer is under the control of the operating system).

(a4b2) calculating for each Server Farm the adjusted total number of users for each application program, (see col.4 lines 43-46).

9. As to claim 6, Bhat teaches a method of claim 5 wherein the server information database provides means to calculate the required data transmission capability needed for bi-directional communication between users and the server farm (see col.5 lines 35-50, the network utilization is calculated), and wherein step (a4b1) includes the steps of:

(a4b1a) calculating, for each server Farm, the required data transmission capability in kilobits per second, (see col.5 lines 15-25, where the response time is calculated for each processor i.e. server).

10. As to claim 7, Bhat teaches a method of claim 6 wherein step (a4b1a) includes the step of:

(a4b1a1) calculating the number of Servers to service the customer's configuration,(see col.30 lines 28-30, the number of processors i.e. servers is calculated according to the customers sizing requirements).

11. As to claim 8, Bhat teaches a method of claim 2 wherein the customer profile utilizes an application delivery solution configurator to determine the required amount of memory capacity appropriate to each server farm (see col.3 lines 28-30, the amount of memory required is calculated for the user), and which includes the steps

(a5) calculating the required amount of memory capacity for each Server Farm,(see col.1 lines 63-63, memory capacity is calculated for the customer).

(a6) developing a Base solutions Report having a base solution, which indicates the number of Server Farms, the number of Servers in a Farm, plus disk and memory

requirements for each Server Farm, (see col.3 lines 5-32, calculating the number of processor i.e. servers, and the memory capacity for each processor i.e. memory for each server).

12. As to claim 9, Bhat teaches a method of claim 8 wherein step (a6) includes the steps of:

(a6a) calculating a set of Default Availability Levels, which characterize said base solution, (see col.3 lines 25-28, calculating the recommended model of the multiprocessor computer system i.e. default model for the customer).

(a6b) filling-out an Availability Report indicating said Availability Level, (see col.5 lines 62-67, a detailed report is generated which shows the recommended model for the customer i.e. the default model).

13. As to claim 10, Bhat teaches a method of claim 7 wherein the customer profile utilizes an application delivery solution configurator to develop a network capacity report on a window which indicates the estimated network activity (kbps) for each server farm at each customer site, and displays the entire network solution as to the minimum number of server farms, the required operating system memory amount, the number of and speed of processors for each type of servers used, all done for each customer site (see col.6 lines 10-20, a detailed report is generated which includes the average response time performance of the configured system), and wherein step (a4b1a1) includes the steps of:

(i) Filling-in a Network Capacity Report which indicates the transmission capacity (kilobits/sec) for the enterprise Server Farm network, (see col.6 lines 18-20, network utilization is included in the detailed report).

(ii) Displaying the Network Capacity Report of the entire network solution on a Window screen, (see figure 1, comprises a capacity planning system that assist the user through the process of sizing and configuring multiprocessor computer system, which includes plurality of window screens).

14. As to claim 11, Bhat teaches a system for deriving a proposed base solution of Servers and Server Farms at one or more sites with their supporting apparatus to support a proposed configuration adequate to handle the specific requirements of a specific customer's enterprise comprising:

(a) Means to format customer profile data in a configuration database template, (see col.2 lines 42-43).

(b) Means to store benchmark information and characteristics of Servers in a Server information database, (see col.col.2 lines 42-43, database controlled by the operating system will store information regarding the sizing requirements of the user).

(c) Means to store (30) the number of Servers for utilization and their availability levels, (sec col.6 lines 18-20 a detailed report is generated by the system which includes network utilization).

(d) Means to store the attributes of User- types and applications; an optimization configuration program for developing an optimized configuration of Server Farms tailored to a customer's profile, (see col.3 lines 1-5).

(e) Means to calculate a base solution for establishing the appropriate number of Servers and associated support apparatus for each site and each Server Farm, (see col.3 lines 24-29, a mathematical model to calculate the recommended model of the multiprocessor system i.e. plurality of servers for the user).

(f) Means to store final solution information suitable for generating an optimized configuration report, (see col.5 lines 62-65, a detailed report is generated for the user that describes the recommended system).

Response to Amendment

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bixler et al. Patent No. (6,212,59) automated configuration of internet-like computer network.
- Shah et al. Patent No. (6,041,325) system and method for controlling access to a telephony database.
- Sondur et al. Patent No. (6,457,048) system for representing device topology in a computer network operable independent of network management.
- Day et al. Pub. No. US 2002/0095487 A1, system for registering, locating, and identifying network equipment.
- Gullotta et al. Pub. No. US 2002/0156904 A1, system and method for provisioning resources to users based on roles, organizational information, attributes and third-party information or authorization.
- Austin et al. US Patent No. (5,500,934) Display and control system for configuring and monitoring a complex system.

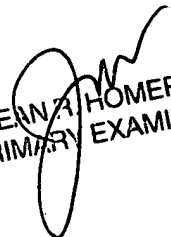
Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mussa A Shaawat whose telephone number is (571) 272-3785. The examiner can normally be reached on Monday-Friday (8:30am to 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean R Homere can be reached on (571) 272-3780. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mussa Shaawat
Patent Examiner
April 16, 2005


JEAN R HOMERE
PRIMARY EXAMINER